

COVID-19 PUBLIC HEALTH COUNTER-MEASURES ARE IMMUNE FROM LIABILITY

Pharmaceutical companies are already exempt from liability for the majority of currently marketed vaccines under the 1986 National Childhood Vaccine Injury Act.¹ Now, all COVID-19 public health “countermeasures” and “covered persons” are exempted from liability under the Public Readiness and Emergency Preparedness Act (PREP Act).²

The US Department of Health and Human Services invoked the PREP Act in response to COVID-19, declaring “covered persons” to be immune from nearly all legal liability relating to “covered countermeasures” (specified as treatments, vaccines, diagnostic tests and masks^{3, 4}) against COVID-19.

“Covered persons” include: the US government and its employees and agents; the manufacturers and distributors of covered countermeasures and their employees and agents; “program planners”; and those who prescribe, administer, or dispense the measures.

Except in circumstances of willful misconduct, the Prep Act makes a lawsuit all but impossible, even if a recommended product harms your health or injures you.⁵ This “liability free” arrangement for public health products and services does little to ensure safety, and is a number one reason why every individual should have the protected right to freely accept or to refuse the recommendations, without being coerced.

1 <https://jamanetwork.com/journals/jamapediatrics/fullarticle/189369>

2 <https://www.federalregister.gov/documents/2020/03/17/2020-05484/declaration-under-the-public-readiness-and-emergency-preparedness-act-for-medical-countermeasures>

3 <https://www.law360.com/articles/1335242/covid-19-vaccines-unlikely-to-create-litigation-opportunities>

4 <https://www.butlersnow.com/2020/03/hhs-liability-immunity-covid-19-countermeasures/>

5 <https://crsreports.congress.gov/product/pdf/LSB/LSB10443>